

Applicant : Christer O. Andreasson
Appl. No. : 10/085,472
Examiner : Jared Fureman
Docket No. : 706737.35

Remarks/Arguments

Favorable reconsideration and action on the merits of this application is earnestly solicited.

Minor typographical errors in paragraphs on page 15 and 28-29 have been corrected. No new matter is involved.

Claims 4-11, 14-27, and 40-45 are pending in this application. Claims 1 through 3 and 28 through 39 have been cancelled without prejudice. Claims 4-5, 7-11, 14, 21, 27 and 41 have been amended, and new claims 42 through 45 are added in this Amendment.

Turning now specifically to the amended and new claims, independent Claims 11, 14, 21 and 43 are method claims, and independent Claim 42 is an apparatus claim. The method claims particularly are directed to a method for monitoring unit dose medical products and wherein a unit dose medical product or products are assigned to an individual patient or patients to ensure that the correct product or products is delivered to the patient or patients. Claim 11 is directed to the method wherein a product name identified by the RFID tag removed from the dispersive unit is compared with a list of medical products scheduled for delivery to an identified patient and the removed unit dose medical product is assigned to an individual patient to ensure that the correct medical product is delivered to that patient. The importance of this method is, for example, if a

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specific dose, such as of morphine, is assigned as required by the claim to an individual patient, then an error would occur if a health care worker attempted to give this unit dose medical product to another patient. Although the Wan patent checks (Figures 6 and 7) to determine if a bottle of medication removed is correct and determines if the removed bottle is correct for the user, this is significantly different from the present Claim 11 which requires a unit dose medical product to be assigned to an individual patient. Method Claim 14 is similar to Claim 11 but it is directed to assigning the unit dose medical products to respective individual patients. Furthermore, this claim further recites determining a difference between the readings of the RFID tags taken before and after the medical product is removed to identify the product removed. The Examiner states on page 3 of the Office Action that Wan determines a difference between readings taken before and after; however, it is respectfully pointed out that Wan does not disclose how he determines that a removed medication is correct or correct for a user. Claim 21 has similar recitations although it is slightly different from Claim 14.

Method Claim 43 likewise has the recitation of determining the difference between the readings taken before and after medical products are removed, but goes on further with regard to returning a unit dose medical product to the dispensing unit and determining a difference again between the readings taken before and after the products are returned to identify the medical products returned to the dispensing unit. It is respectfully submitted that Wan has no similar disclosure.

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Apparatus Claim 42 likewise defines that the unit dose medical product removed from a drawer is not only authorized to be removed, but the removed product is assigned to an individual patient as the product is removed and, further, the product removed is identified by determining a difference between readings taken before and after the product is removed. Again, it is respectfully submitted that Wan does not have any similar disclosure.

It is respectfully submitted that the dependent claims likewise further define over the cited art.

It is recognized that Wan fails to teach or discuss dealing with unit dose medical products, and that Yarin does disclose unit dose medical products. However, it is not seen how there would be any motivation to use or deal with unit dose medical products in a medicine cabinet of the Wan disclosure, and would actually be contrary to Wan's teachings. Furthermore, Yarin does not solve the other deficiencies in the Wan patent.

Should the Examiner have any questions or comments, the undersigned can be reached at (949) 567-6700.

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The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 15-0665.

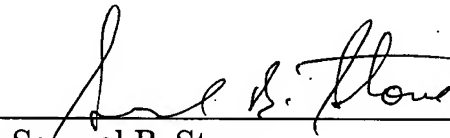
Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: _____

12/1/04

By: _____



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